

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:20-cr-00094-MR-WCM**

|                                  |   |                     |
|----------------------------------|---|---------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                     |
|                                  | ) |                     |
| <b>Plaintiff,</b>                | ) |                     |
|                                  | ) |                     |
| <b>vs.</b>                       | ) | <b><u>ORDER</u></b> |
|                                  | ) |                     |
| <b>DAVID STUART LUTZ,</b>        | ) |                     |
|                                  | ) |                     |
| <b>Defendant.</b>                | ) |                     |
| <hr/>                            | ) |                     |

**THIS MATTER** is before the Court on the Defendant's Motion to Seal.  
[Doc. 38].

The Defendant moves for leave to file under seal the Memorandum in support of the Joint Motion for Reconsideration of Order Denying Motion to Continue. [Doc. 37]. For grounds, counsel states that the Memorandum contains information regarding counsel's families and their respective medical conditions, and that permanent sealing of this document is necessary to protect this sensitive information. [Id.].

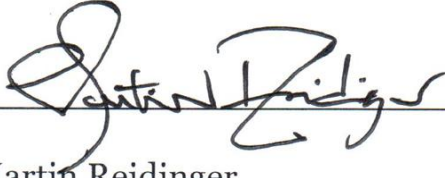
Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting

its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4<sup>th</sup> Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Defendant’s amended motion. The Defendant filed his motion and the proposed sealed Memorandum on August 31, 2021, and they have been accessible to the public through the Court’s electronic case filing system since that time. Further, the Defendant has demonstrated that the redacted portions of the memorandum contain sensitive information and that the public’s right of access to such information is substantially outweighed by the parties’ competing interests in protecting the details of such information. See United States v. Harris, 890 F.3d 480, 492 (4<sup>th</sup> Cir. 2018). Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Memorandum is necessary to protect the parties’ interest in preventing the disclosure of this sensitive information.

**IT IS, THEREFORE, ORDERED** that the Defendant’s Motion to Seal [Doc. 38] is **GRANTED**, and the Memorandum in support of the Joint Motion for Reconsideration [Doc. 37] shall be filed under seal and shall remain under seal until further Order of this Court.

**IT IS SO ORDERED.**

Signed: September 1, 2021

  
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Martin Reidinger  
Chief United States District Judge

